ORANGE COUNTY DRAINAGE AREA MASTER PLAN (DAMP)

SECTION 7
New Development/ Significant Redevelopment

(Revised May 26, 2011)

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7.1.1 Program Overview

Stormwater runoff naturally contains numerous constituents, however, urbanization and urban activities including development and redevelopment typically increase pollutant concentrations to levels that may impact water quality. Pollutants associated with stormwater include sediment, nutrients, bacteria and viruses, oil and grease, metals, organics, pesticides, and trash (floatables). Potential water quality impacts from completed development can include the following:

- Urban activities that result in the generation of new dry-weather runoff (i.e. irrigation, surface cleaning) that may contain pollutants
- Impervious surfaces associated with development, such as streets, rooftops, and parking lots, that prevent infiltration and increase the rate and volume of stormwater runoff that may cause downstream erosion or siltation
- Urban activities that increase the concentration and/or total load of pollutants in wet weather stormwater runoff

The goals for the New Development/Significant Redevelopment Program are to provide the Permittees with:

- A program framework for reducing the adverse impacts that new development and significant redevelopment may have on water quality
- Methodologies to meet NPDES permit requirements.

Pollution Prevention controls are emphasized and will be used as the "first line of defense" and include measures such as education for property owners and tenants as well as common area landscape maintenance. Low Impact Development Best Management Practices (LID BMPs) will be incorporated into new development and significant redevelopment projects to provide for retention, infiltration and/or biotreatment of runoff, while Hydromodification Control BMPs will be incorporated where necessary to control downstream erosion. Source Control BMPs will be included to further reduce the amount of pollutants released into the environment. If it is not feasible to fulfill the entire quantitative requirement for certain New Development or Significant Redevelopment Projects with LID and Hydromodification BMPs on-site in South Orange County (see Section 7.1.2); or, in North Orange County (see Section 7.1.2) any of the above methods plus, constructing or participating in sub-regional/regional LID BMPs or incorporating Treatment Control BMPs, waivers from the use of LID BMPs, alternative programs, may be necessary.

In addition to requirements for specific New Development/Significant Redevelopment Projects, this component of the DAMP also includes commitments for broader scale planning activities and considerations during CEQA review of projects.

7.1.2 Regulatory Requirements

The federal NPDES stormwater regulations specify that drainage area management plans include "a description of planning procedures including a comprehensive master plan to develop, implement, and enforce controls to reduce the discharge of pollutants...from areas of new development and significant redevelopment."

The Regional Boards have identified a need for individual stormwater quality management plans to apply equally to private and public agency projects. Transportation corridors, schools, parks, flood control projects and other public facilities are thus subject to the same requirements as planned communities and mini-malls.

The New Development/Significant Redevelopment Program was developed as a model for fulfilling the new development and significant redevelopment commitments and requirements of the applicable municipal stormwater permits. Initially adopted in 1993 by the Permittees in response to the first term permits, the DAMP has been periodically updated as subsequent permits have been re-issued. This 2011 update of Section 7 of the DAMP is in response to the following permits:

- Section XII of the Santa Ana Regional Water Quality Control Board Municipal NPDES Stormwater permit, Order No. R8-2009-0030 [North Orange County (NOC) Permit]
- Section F.1 of the San Diego Regional Water Quality Control Board Municipal NPDES Stormwater permit, Order No. R9-2009-0002 [South Orange County (SOC) Permit]

Although there is a provision in the State regulations that school districts must obtain municipal approval for "improvements which affect drainage" the Government Code effectively prevents city/county from regulating many federal and state agencies and local special districts. However, the expectation is that these entities will work cooperatively with the Permittees to manage urban runoff and stormwater pollution. These entities include: Caltrans, universities and colleges, the Metropolitan Water District of Southern California, Department of Defense, U.S. Forest Service, electrical and gas utilities, school districts, sanitation districts, water districts and purveyors, and railroads.

7.1.3 Program Commitments

Each Permittee is required to minimize short and long-term impacts on receiving water quality from new development and significant redevelopment to the maximum extent practicable and must at a minimum:

- Assess the need to revise and update General Plans to include watershed and stormwater quality and quantity management considerations.
- Review CEQA process for potential stormwater quality impacts and mitigation measures.

- Review Development Planning/Permit approval process for stormwater protection principles.
- Review existing BMPs for effectiveness and develop a Model Water Quality Management Plan (Model WQMP) also referred to as a Standard Stormwater Mitigation Plan (SSMP) under the SOC Permit to address impacts from new and significant redevelopment. This has been a joint and ongoing effort by all of the Permittees.
- Review and approve qualifying private development projects and implement qualifying public agency projects in compliance with the Model WQMP
- Conduct education or training for Model Environmental Review Program elements.

7.2 Model New Development/Significant Redevelopment Program

7.2.1 Introduction

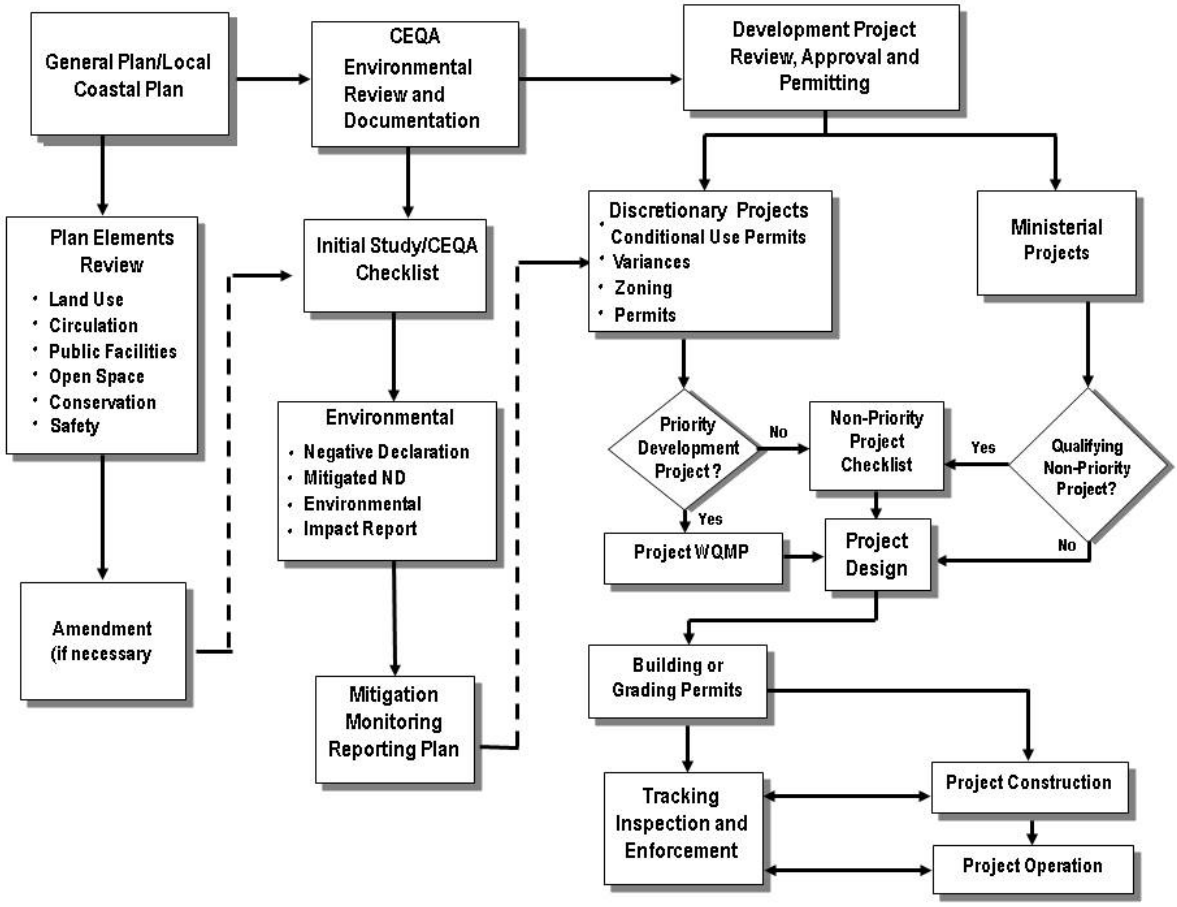
The Model Program provides a framework and a process for following the requirements to incorporate watershed protection/stormwater quality management principles into the Permittees' General Plan process, environmental review process, and development permit approval process. The program covers goals, program and policy development for urban and natural areas and their interface, as well as procedures for project planning through design, construction and completion, including requirements for long-term maintenance of permanent BMPs. Detailed requirements for construction phase BMPs and procedures are contained in the Construction Model Program (**DAMP Section 8).**

7.2.2 Model Program Overview

The Model Program is intended to link new development BMP design, construction and operation to the policies, plans and programs encompassed by the General Plan, environmental review process, and development permit approval processes. A city/county General Plan specifies policies that guide new development, and protect and manage resources. The environmental review process examines impacts from all discretionary actions of the municipality, including proposed new development with respect to the General Plan policies and many environmental issues, including water quality, and includes consideration of mitigation measures to reduce any identified significant impacts.

The development permit approval process carries forth mitigation requirements in the form of conditions of approval, design specifications, tracking, inspection, and enforcement actions. These processes must be coordinated and linked to BMP design, construction and operation for new development and significant redevelopment projects to help ensure stormwater quality protection features are planned, designed, and operated in accordance with city/county goals for protection of water quality and other environmental resources. **Figure 7-1** is a generalized flow diagram that depicts the relationship of the General Plan, environmental review process and development planning and permit process, as well as the project design, construction, and operation phases.

Figure 7-1
Relationship between General Plan, Environmental Review Process and Development Permit Process



7.2.3 Contents of Model Program

The guidance provided by the Model Program is presented in the following subsections:

- Section 7.3 - General Plan Assessment and Amendment describes the process for the Permittees to assess their existing General Plans and make any needed amendments to include watershed and stormwater quality and quantity management considerations.
- Section 7.4 - CEQA Environmental Review Process provides guidance for utilizing/revising checklists and guidance for conducting environmental reviews for stormwater quality impact assessment.
- Section 7.5 - Development Project Review, Approval and Permitting provides policies and procedures for project plan review including information pertaining to discretionary permits, ministerial permits, Project WQMP requirements, tracking, inspection and enforcement. The guidance and procedures for Project WQMP preparation and for selection and design of regional/watershed and site specific BMPs are provided in **Exhibit 7.II**, Model WQMP.
- Section 7.6 - Post Construction BMP Inspection and Verification provides information on the verification of the implementation, operation, and maintenance of structural BMPs within approved final Project WQMPs
- Section 7.7 - Model Program Training and Outreach provides general information on the training modules that have been developed for use by each Permittee in informing municipal staff, developers and contractors.
- Section 7.8 - Annual Reporting and Assessing Program Effectiveness describes the annual reporting on the implementation and effectiveness of the New Development /Significant Redevelopment Program by the Permittees.

The following table contains the model program documents have been prepared to assist with implementation of the program, and their respective roles within the model program

Model Program Document	Document Role	Location within this Document
DAMP Section 7 (Both NOC and SOC Regions)	Describes the overall model program elements and requirements	
Model WQMP (NOC)	Contains the requirements for developing an approvable Project WQMP	Sections 7.1, 7.2, 7.4, 7.5
Technical Guidance Document (Both Regions)	Provides technical guidance for developing a Project WQMP	Section 7.5
Non-Priority Project Water	Provides the structure and described the information necessary for developing a	Section 7.5

Quality Plan (Both Regions)	Non-Priority Project Water Quality Plan	

Local jurisdictions may adapt these model program documents for local program implementation as long as the information necessary to meet program requirements is contained within the local documents, and local program elements are consistent with the county-wide program and meet NPDES permit requirements.

7.3 General Plan Assessment and Amendment

7.3.1 Introduction

The Permittees must at a minimum review and update General Plans, as necessary, to ensure that watershed and stormwater quality and quantity management are considered.

7.3.2 Background on the General Plan and Local Coastal Program

7.3.2.1 General Plan

Under California State law (California Government Code §65300) each city and county in California must prepare a comprehensive, long-term General Plan for the physical development of its community. The General Plan must consist of a statement of development policies and include a diagram(s) and text setting forth objectives, principles, standards and plan proposals (California Government Code §65302).

The General Plan consists of seven mandatory elements and any optional element that a city or county chooses to adopt. The mandatory elements include:

- Land Use
- Open Space
- Circulation and Infrastructure
- Conservation
- Housing
- Safety
- Noise

Any optional elements that are adopted by a city/county, such as Public Facilities, have equal authority as the mandatory elements. The legislative body of each city (the city council) and each county (the board of supervisors) adopts zoning, subdivision and other ordinances to regulate land uses and to carry out the policies in the General Plan. The plan is also used to guide decision-makers in determining whether or not land use proposals are consistent with the applicable goals, objectives, and policies.

7.3.2.2 General Plan Amendment Process

A General Plan Amendment is a request to revise some component of the General Plan. This can include addition, deletion or modification of goals and policies; modifications to the land use map or other diagrams; or other changes. A General Plan Amendment is a legislative act and is allowed four times per year (California Government Code §65358(b)).

A General Plan Amendment must be approved by the planning commission and city council or at the county level by the Board of Supervisors at public hearings. In approving a General Plan Amendment, the approving body must assess the policy implications of the proposed General Plan Amendment and the impact and compatibility on the long-term goals and desires of the city or county and its citizens.

Most General Plan Amendments are carried out in conjunction with a specific development proposal, although the city, county, or any other agency or party can request an amendment without a specific development proposal in mind.

In evaluating a proposed General Plan Amendment, the approving body must look at the "global" impacts of the proposed amendment. Although a General Plan Amendment may be proposed in conjunction with a specific development proposal, the amendment proposed might have policy and/or land use impacts far beyond any given project or property. General Plan Amendments are frequently proposed in conjunction with other legislative acts such as zone changes, zoning code or regulatory text amendments and Local Coastal Program amendments.

7.3.2.3 Local Coastal Program

The California Coastal Commission (Commission) was established in 1972 and made permanent by the Legislature in 1976 (via the Coastal Act). The primary mission of the Commission, as the lead agency responsible for carrying out California's federally approved Coastal Management Program, is to plan for and regulate land and water uses in the Coastal Zone consistent with the policies of the Coastal Act.

California's Coastal Management Program is carried out through a partnership between state and local governments. Implementation of Coastal Act policies is accomplished primarily through the preparation of Local Coastal Programs (LCPs) that are required to be completed by each of the counties and cities located in whole or in part in the Coastal Zone. Completed LCPs must be submitted to the Commission for review and approval. In Orange County, the cities responsible for preparing an LCP include Seal Beach, Huntington Beach, Newport Beach, Aliso Viejo, Laguna Niguel, Laguna Beach, Dana Point and San Clemente. The county also has areas subject to an LCP.

The objective of an LCP is to protect coastal resources, provide greater access and recreational opportunities for the public's enjoyment, while allowing for orderly and well-planned urban development and the siting of coastal-dependent and coastal-related industry. The plan incorporates, to the maximum possible extent, local plans and policies that are consistent with the Coastal Act.

An LCP includes a Land Use Plan, which is the relevant but often more detailed portion of the local General Plan, including any maps necessary to administer it, the land use / zoning

ordinances, zoning district maps, and other legal instruments necessary to implement the land use plan. Coastal Act policies are the standards by which the Commission evaluates the adequacy of LCPs (Public Resources Code §30108.6).

After certification of the Land Use Plan and zoning components of the LCP, the review authority for new development within the coastal zone, which is now vested in the Coastal Commission, is returned to local government. Development within the Coastal Zone may not commence until a Coastal Development Permit has been issued by either the Commission or a local government that has a Commission-certified LCP. The local government, in issuing Coastal Development Permits after certification, must make the finding that the development is in conformity with the approved LCP.

7.3.2.4 Local Coastal Program Amendment Process

Any amendments to a certified LCP have to be approved by the State Coastal Commission. To ensure that coastal resources are effectively protected in light of changing circumstances, such as new information and changing development pressures and impacts, the Commission is required to review each certified LCP at least once every five years (California Coastal Commission 2002).

7.3.3 Plan for Assessing General Plan Elements and Local Coastal Program

The San Diego Region (SOC) Permit states:

> "Each Copermittee must revise as needed its General Plan or equivalent plan (e.g., Comprehensive, Master, or Community Plan) for the purpose of providing effective water quality and watershed protection principles and policies that direct land-use decisions and require implementation of consistent water quality protection measures for all development and redevelopment projects." (Section F.1.A)

The Santa Ana Region (NOC) Permit states:

> "...the Permittees shall include a summary of their review of the watershed protection principles and policies in their General Plan and related documents (such as Development Standards, Zoning Codes, Conditions of Approval, Development Project Guidance, Local Coastal Plan, etc.) to ensure that these principles and policies, including LID principles, are properly considered and are incorporated into these documents." (Section XII.A.4)

In accordance with State Planning and Zoning Law which provides that requirements placed on land development projects must be compatible with a community's General Plan and Local Coastal Program, watershed protection principles and stormwater pollution control objectives for land development should be reflected in the appropriate policies, goals, and objectives of each Permittee's General Plan and LCP. This should include policies, goals, and objectives to protect watersheds from both new and existing development, which may differ.

Many of the General Plan Elements contain existing goals and policies that can be related to watershed protection and stormwater pollution control. For example, stormwater quality may

be impacted by the type, location, and density of development. Controls may be established through policies commonly found in the Land Use and Open Space Elements of the General Plan (e.g., development policies, development phasing, development location guidelines, landscaping guidelines, open space policies, policies on preservation of and integration with natural features).

- The Permittees will review their General Plan Elements and relevant sections of the LCP (if a coastal city with an approved LCP) that cover land development issues and in which it may be appropriate to reflect watershed protection and stormwater quality management policies. This will include review of goals and policies in the following General Plan Elements:
    - Land Use
    - Open Space
    - Circulation and Infrastructure (i.e., transportation)
    - Conservation
    - Safety
    - Public Facilities
- Permittees will review development goals and policies, landscaping policies and requirements, open space goals and policies including preservation or integration with natural features, water conservation policies, and public facilities operation and maintenance policies of these Elements. When reviewing the General Plan Elements and LCPs, special attention will be given to how the Element/LCP addresses water quality protection from urban runoff and stormwater pollution.
- The Permittees will keep in mind the following questions during this review, which may trigger the need for specific urban runoff and stormwater pollution protection policies in the General Plan and LCP either as new policies and objectives or amended text to existing policies and objectives:
    - Are there sensitive water resources in or downstream of the jurisdiction?
    - Are there existing Total Maximum Daily Loads (TMDLs) or other regulations pertaining to receiving waters within the jurisdiction?
    - Is major new development or significant redevelopment expected?
    - Are major new infrastructure projects anticipated (e.g. roads, sewer, flood control, storm drains)?
    - Does urban runoff and stormwater pollution affect recreational use of water bodies within the jurisdiction?
    - Is hydromodification (unnatural down-cutting or siltation in channels or loss of beach sands) associated with runoff occurring within the jurisdiction?

- Upon review of the General Plan Elements and LCP, as well as related documents (such as Development Standards, Zoning Codes, Conditions of Approval, Development Project Guidance, referred to collectively as Related Documents), the Permittees will determine which sections should be modified, if any, to include specific policies and objectives that address water quality protection as specified in the San Diego Region and Santa Ana Region Permits.

If the General Plans or Related Documents of the Permittees do not contain the policies, goals and objectives of the relevant permits, then additional policies, goals, or objectives that stress the importance of stormwater quality control, or that are necessary in order to implement certain types of stormwater management programs, should be incorporated in the General Plans or Related Documents. Revisions to the General Plan or Related Documents should be coordinated with each Permittee's legal counsel.

7.3.4 Consideration of Additional Water Quality and Watershed Protection Concepts in General Plan and Local Coastal Program

The Permittees will review and consider the following for the General Plan Elements and LCPs, as specified by the permits, respectively:

San Diego Region Permit (Order No. R9-2009-0002, NPDES No. CAS0108740):
Each Copermittee must revise as needed its General Plan or equivalent plan (e.g., Comprehensive, Master, or Community Plan) for the purpose of providing effective water quality and watershed protection principles and policies that direct land-use decisions and require implementation of consistent water quality protection measures for all development and redevelopment projects.

Santa Ana Region Permit (Order No. R8-2009-0030, NPDES No. CAS618030):
The Permittees shall include a summary of their review of the watershed protection principles and policies in their General Plan and related documents (such as Development Standards, Zoning Codes, Conditions of Approval, Development Project Guidance, Local Coastal Plan, etc.) to ensure that these principles and policies, including LID principles, are properly considered and are incorporated into these documents. These principles and policies should include, but not be limited to, LID principles discussed in Section XII. C and hydrologic conditions of concern discussed in Section XII. D. Within 6 months of adoption of this order, the principal permittee shall facilitate the formation of a planning advisory committee (PAC) consisting of the Community Development/Planning Department directors of the Co-Permittees to effectively incorporate watershed protection principles (including LID) and policies during the early stages of a project. The PAC shall meet at least on an annual basis to develop common development standards, zoning codes, conditions of approval and other principles and policies necessary for water quality protection. Each annual report shall include a brief summary of the PAC meetings including its recommendations. Each Permittee shall provide the Regional Board with the draft amendment or revision when a pertinent General Plan element or the General Plan is noticed for comment in accordance with Govt. Code § 65350 et seq.

7.4 CEQA Environmental Review Process Modifications

7.4.1 Introduction

Each Permittee is required by the permits to minimize short and long-term impacts on receiving water quality from new development and significant redevelopment to the maximum extent practicable. The Santa Ana Region Permit (Section XII.A.6) requires the Permittees to review their California Environmental Quality Act (CEQA) document preparation process to ensure urban runoff and stormwater pollution-related issues are properly considered and addressed. If necessary, the processes should be revised to consider and mitigate impacts to stormwater quality. The San Diego Region Permit (Section F.1.b) requires each Permittee to revise as needed its current environmental review processes to accurately evaluate water quality impacts and cumulative impacts and identify appropriate measures to avoid, minimize and mitigate those impacts for all Development Projects

This section provides background on the CEQA environmental review process and identifies actions the Permittees will implement to ensure that urban runoff and stormwater pollution issues are incorporated in the process.

7.4.1.1 Background on CEQA

The California Environmental Quality Act (CEQA) applies to all discretionary activities proposed to be carried out or approved by the cities and county, unless an exemption applies. CEQA applies to public and private sector activities that require discretionary city/county approvals.

A "discretionary action" under CEQA is defined as "an activity which requires the public agency to exercise judgment in deciding whether to approve or disapprove the particular activity, as distinguished from situations where the public agency merely has to determine whether there has been conformity with applicable ordinances or other laws." (California Public Resources Code § 21080(a); CEQA Guidelines § 15357). Examples of discretionary actions include: feature plans, area plans, use permits, site development permits and special use permits.

In contrast, "ministerial actions" under CEQA are those where little or no judgment or deliberation by a Permittee is required or possible.

The basic goal of CEQA (Public Resources Code §21000 *et seq.*) is to develop and maintain a high-quality environment now and in the future, while the specific goals of CEQA are for the cities/county and other public agencies to:

- Identify the significant environmental effects of their actions; and, either
- Avoid those significant environmental effects, where feasible; or
- Mitigate those significant environmental effects, where feasible.

The implementation of CEQA is regulated by the Secretary for Resources, via the Office of Planning and Research's "State CEQA Guidelines" (Guidelines) (California Code of Regulations

Title 14, Division 6, Chapter 3, §15000 through 15387). These Guidelines are binding on all cities/counties and other public agencies in California.

There are three phases for implementing CEQA. These include:

- Preliminary review of a project to determine whether it is subject to CEQA. If the project is not subject to CEQA, then the process does not proceed farther.
- If the project is subject to CEQA, the lead agency may prepare a Notice of Exemption or conduct of an Initial Study to determine whether the project may have a significant environmental effect.
- Preparation of an Environmental Impact Report (EIR) if the project may have a significant environmental effect or a Negative Declaration or Mitigated Negative Declaration if no significant effects will occur or can be mitigated to a level of insignificance as that term is defined in the state Guidelines.

7.4.1.2 Preliminary Review

Once its own public project plans or an application for permits, approvals, or other entitlements has been submitted to the Lead Agency for CEQA review, the Lead Agency has 30 days to review the application for completeness. For its own public or private sector projects, the Lead Agency may require submittal of baseline environmental setting and detailed project description information to enable the Lead Agency to prepare the Initial Study. Appendix H of the CEQA Guidelines provides a sample project application form. Lead Agencies can rely on the sample form, but are free to devise their own project application forms, to include, for example, specific information on BMPs.

7.4.1.3 Initial Study

If a project is not found to be exempt under CEQA (Guidelines §15061), the Lead Agency must conduct an Initial Study to determine if the project may have a significant effect on the environment. If the Lead Agency can determine that an EIR will clearly be required for the project, an Initial Study is not required but may still be desirable (§15063). The Initial Study typically consists of the project applicant information obtained during the preliminary review process, the completed Initial Study checklist and required checklist explanations. An Initial Study checklist is provided in Appendix G of the CEQA Guidelines that covers all environmental topics for the Lead Agency to consider during the Initial Study, including hydrology/water quality. All entries on the checklist must be explained during the Initial Study process. Lead agencies are free to devise their own equally comprehensive Initial Study checklists for use in the Initial Study process (Guidelines §15022). This may include more detailed questions related to urban runoff and stormwater pollution, as the Lead Agency deems appropriate for its jurisdiction.

7.4.1.4 Environmental Impact Report (EIR)

An EIR must be prepared if the proposed project may have a significant environmental effect that cannot feasibly be mitigated to a level of insignificance. The most common type of EIR

examines the environmental impacts of a specific development project. This type of EIR focuses primarily on the changes in the environment that would result from the development project. The EIR examines all phases of the project including planning, construction, and operation (§15161).

Immediately after deciding that an EIR is required for a project, the Lead Agency sends to each "Responsible Agency" a Notice of Preparation (NOP) stating that an EIR will be prepared and solicits input on the appropriate content of the EIR. For water resource impacts , responsible agencies would include the State Water Resources Control Board (State Board), the respective Regional Boards, the U.S. Army Corps of Engineers (for projects with discharges of dredge/fill into waters of the U.S.) and California Department of Fish and Game (for alterations of streambeds affecting waters of the state). This notice is also sent to every federal and state agency involved in approving or funding the project and to each Trustee Agency responsible for natural resources affected by the project. The NOP must provide the Responsible Agencies with sufficient information describing the project and the potential environmental effects. The responses from the NOP assist in identifying the significant environmental issues and reasonable alternatives and mitigation measures that the Responsible Agency will need to explore in the draft EIR (§15082). Once an EIR has been certified that properly addresses comments made in response to the NOP, state agencies are required to utilize that EIR as their own CEQA document for their own permitting process on the project. If water quality issues are identified as a significant environmental issue, then water quality would be discussed in the environmental setting (baseline), impact, and, if applicable, mitigation sections of the EIR.

7.4.1.5 Negative Declaration

A public agency prepares a Negative Declaration or Mitigated Negative Declaration for a project subject to CEQA when:

- The Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
- The Initial Study identifies potentially significant effects, but:
    - Revisions in or additions to the project plans or proposals made by, or agreed to by the applicant before a proposed Mitigated Negative Declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
    - There is no substantial evidence, in light of the whole record before the Agency, that the project as revised may have a significant effect on the environment. (§15070)

A Negative Declaration circulated for public review must include a brief description of the project; the location of the project; a proposed finding that the project will not have a significant effect on the environment; an attached copy of the Initial Study documenting reasons to support the finding; and mitigation measures, if any, included in the project to avoid potentially significant effects. (§15071). Water quality issues are addressed the Initial Study and a Negative Declaration is prepared (if no mitigation is necessary) or a Mitigated Negative Declaration prepared if mitigation measures are developed.

7.4.2 Revisions to the CEQA Initial Study Process

The **San Diego Region Permit** (Section F.1.B) requires, to the extent feasible that the Permittees revise their current environmental review process to include requirements for evaluation of water quality effects and identification of appropriate mitigation measures. Each Permittee already considers water quality effects in its process. The internal guidance should be compared with the current Permit language and revised as necessary to incorporate the latest language including LID considerations.

The **Santa Ana Region Permit** (Section XII.A.6) requires the Permittees to review their CEQA document preparation process to ensure urban runoff and stormwater pollution-related issues are properly considered and addressed. If necessary, the processes should be revised to consider and mitigate impacts to stormwater quality. Beneficial uses for water bodies include: municipal and domestic supply, agricultural supply, industrial service and process supply, groundwater recharge, navigation, hydropower generation, water contact recreation, non-contact water recreation, commercial and sport fishing, warm freshwater and limited warm freshwater habitats, cold freshwater habitat, preservation of biological habitats of special significance, wildlife habitat, preservation of rare, threatened or endangered species, marine habitat, shellfish harvesting, spawning, reproduction and development of aquatic habitats, and estuarine habitat. The Santa Ana Region Permit lists the following potential impacts to be considered during CEQA review:

- Potential impact of project construction on stormwater runoff;
- Potential impact of project's post-construction activity on stormwater runoff;
- Potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas;
- Potential for discharge of stormwater to affect the beneficial uses of the receiving waters;
- Potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm; and
- Potential for significant increases in erosion of the project site or surrounding areas.
- Potential decreases in quality and quantity of recharge to groundwater.
- Potential impact of pollutants in storm water runoff from the project site on any 303(d) listed "impaired" waterbodies.

These urban runoff and stormwater pollution issues will be considered in the Initial Study process (project application forms and checklists) and in the preparation and reviews of environmental documentation (Negative Declarations, Mitigated Negative Declarations or EIRs).

7.4.2.1 Environmental Informational Form

The current Environmental Information Form contained in Appendix H of the CEQA Guidelines (State of California Office of Planning and Research, 2010) contains many questions about projects to help environmental planners assess the potential for significant environmental impacts. However, there are no specific project description questions that help characterize the potential for urban runoff and stormwater pollution impacts. The Permittees will review their existing project application forms and, as deemed necessary, will revise the form to include line items that encompass the evaluation of the above issues.

In addition, the project application form should be reviewed and updated as necessary to address the linkage between CEQA review and submittal of a Conceptual/Preliminary Project WQMP, if applicable (along with required submittal of other development plans).

7.4.2.2 Initial Study Checklist

The current Initial Study Checklist contained in Appendix G of the CEQA Guidelines (State of California Office of Planning and Research, 2010) was recently updated and is used by nearly all Permittees in their environmental review process. This Checklist contains the following considerations under the environmental impact category, Hydrology and Water Quality (Section IX):

Would the project:

- Violate any water quality standards or waste discharge requirements?
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?
- Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- Otherwise substantially degrade water quality?
- Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- Inundation by seiche, tsunami, or mudflow?

In addition, the NOC permit requires the following impact be considered:

- Impact storm water runoff either during project construction or post-construction?
- Potentially discharge storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?
- Potentially discharge storm water and affect the beneficial uses of the receiving waters?
- Potentially significantly change the flow velocity or volume of storm water runoff and cause environmental harm?
- Potentially significantly increase erosion on the project site or surrounding areas?
- Potentially decrease the quality and quantity of recharge to groundwater?
- Potentially impact pollutants in storm water runoff from the project site on any 303(d) listed waterbodies?

The Permittees have concluded that urban runoff and stormwater pollution considerations are generally covered in questions a) through f) of the CEQA Guidelines Appendix G Checklist, but with less specificity than the questions provided in the NOC permit. To ensure that the Initial Study thoroughly considers all issues listed in the Permits, the Permittees will review the Initial Study checklist and make appropriate changes to assure that the additional considerations (or their equivalent) provided in the permits are reflected in the Permittees' CEQA review processes.

The Permittees will also consider adding the following question to the Hazardous and Hazardous Materials Section (Section VIII) or Utilities and Service Systems Section (Section XVII) of the checklist:

> "Would the project include new or retrofitted stormwater Treatment Control BMPs (e.g. water quality treatment basins, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g. increased vectors and odors)?"

To promote the consideration of all of the various impacts related to urban runoff and stormwater pollution as identified in the permits, Permittees may provide the list of permit considerations to:

- Environmental planning staff for use in preparing and reviewing CEQA documents for internal city/county projects and when reviewing CEQA documents prepared by the private sector;
- Consultants and other members of the private sector for use in preparing CEQA documents for private and public sector projects;

- Project applicants during the CEQA preliminary review process; and
- Participants attending training programs.

7.4.3 Environmental Review Guidance for CEQA Initial Studies and CEQA Document Preparation and Review

The guidance in **Exhibit 7.I** may be used by the Permittees in evaluating the CEQA Initial Study checklist questions in Section IX, Hydrology and Water Quality including any additional questions included by the Permittees in response to the San Diego and Santa Ana Region Permits. This guidance is also applicable to the review and preparation of CEQA documents including Negative Declarations, Mitigated Negative Declarations and EIRs. This guidance will be reviewed annually, updated as needed, and its status/use will be discussed in the Annual Progress Report.

By initiating planning for water quality early in the development process, a Preliminary/Conceptual WQMP, described in Section 7.5 can be used as the principal mechanism for describing how water quality impacts of a project will be reduced to less than significant when developing documentation for the project to comply with CEQA. The primary purpose of the Model WQMP is to comply with the MS4 permit requirements. However, this Conceptual/Preliminary WQMP can provide a detailed framework for addressing General Plan, discretionary permit conditions, water quality conditions, and complying with CEQA. Compliance with the requirements set forth in the Model WQMP can provide the basis for evaluating the surface water quality impacts and any mitigation measures and can be sufficiently specific to satisfy the requirements of CEQA with regards to projects.

A Conceptual or Preliminary WQMP supports the CEQA process and provides documentation to support a checklist for an Initial Study and Negative Declaration or Mitigated Negative Declaration, or serves as the basis for the water quality section of an EIR. It should also serve as the basis for the Lead Agency and Responsible Agency to conclude that the MEP standard is being met, by serving as the basis that selected BMPs will not have the potential to cause significant effects and/or that the effects have been mitigated, and "are not significant with mitigation". The Conceptual or Preliminary WQMP should to be circulated with the CEQA document or summarized within the circulated CEQA document.

Project proponents are strongly encouraged to incorporate LID and hydromodification control BMPs at the earliest conceptual planning stages of a project for early review, to potentially avoid necessary project changes and delays during the review and approval process. For all projects requiring discretionary or land use entitlement actions, a Conceptual or Preliminary WQMP should be submitted as part of the application for project approval during the environmental review phase (CEQA) and must be submitted prior to relevant project-level approval of entitlements and Planning Commission approval of a project or other public hearing.

7.5 Development Project Review, Approval, and Permitting

Permittees throughout the county require Priority Projects (also called Priority Development Projects in the SOC Permit) to prepare a Project WQMP to identify permanent BMPs that will be included in the project. Within the NOC area, Non-Priority Projects are required to complete a Non-Priority Project Water Quality Plan. The WQMP terminology will continue to be used within all jurisdictions to allow Project WQMPs to be consistent with both the WQMP requirements of the Santa Ana Permit and the SSMP requirements of the San Diego Permit.

This section describes the processes for incorporating the Model WQMP requirements into the project planning and approval process and modifications to conditions of approval and plan check processes to assure consistency with permit requirements. The Model WQMP is provided as **Exhibit 7.II** and provides guidance for the development and review of Project WQMPs. A Technical Guidance Document has also been developed as a companion to the Model WQMP (**Exhibit 7.III)**. The Technical Guidance Document contains more detailed information and explains how to complete the requirements and the technical analysis necessary for preparing a Conceptual/Preliminary WQMP or Project WQMP.

7.5.1 Project Review, Approval, and Permitting Process Overview

For all new development and significant redevelopment Priority Projects meeting the requirements defined herein, a Project WQMP shall be developed to define the quality and quantity of stormwater runoff that must be considered during project planning and to identify permanent (post-construction) BMPs that will be included in project design, constructed as part of the project, and operated and maintained for the life of the project. Commitments from a project or permit applicant to incorporate, implement, and maintain the BMPs must be described in a Project WQMP. For all new qualifying Non-Priority Projects within the NOC Permit area, a Non-Priority Project Water Quality Plan shall be developed to define the BMPs that will be incorporated in the project.

Program Coverage and Definitions

Project WQMPs are required for private new development and significant redevelopment projects within Permittees' jurisdictions, and equivalent public agency capital projects undertaken by the Permittees that are "Priority Projects" meeting one of the criteria in **Table 7.II-2** of **Exhibit 7.II** for NOC, or **Table 7.II-3** for SOC. A Non-Priority Project Water Quality Plan is required to be completed for private new development and significant redevelopment projects within Permittees' jurisdictions, and equivalent public agency capital projects undertaken by the Permittees that qualify as Non-Priority Projects. These are projects that do not fall under one of the Priority Project Categories defined within the Model WQMP but meet one of the following conditions:

- Require discretionary action that will include a precise plan of development, except for those projects exempted by the Water Quality Ordinance (as applicable); or
- Require issuance of a non-residential plumbing permit for hazardous pipelines as defined in the County or local Water Quality / Stormwater Ordinance. Non-residential plumbing

projects that do not pose a potential threat to public safety do not require a Project WQMP for approval.

Because the threshold for Priority Projects has been lowered under the most recent Permits a large majority of discretionary projects, that is, those projects for which the Permittee retains the right to either approve or disapprove the application, will be categorized as Priority Projects. The Non-Priority Project category is limited to projects subject to a discretionary action, but do not fall into one of the Priority Project categories or fall under the second bullet category above. Temporary projects such as Christmas Tree Lots, Pumpkin Lots, etc. and small residential construction such as patios, small room additions are exempt from WQMP requirements. All other projects and activities that only require a ministerial grading or building permit for which the Permittee has no discretion to approve do not fall under the requirements of this new development program, with the exception of projects that require a non-residential plumbing permit due to public safety concerns.

The primary difference between a Priority Project and a Non-Priority Project is that Priority Projects are required to fully evaluate and incorporate LID BMPs to meet the quantitative requirements of the Permit and/or demonstrate infeasibility and participate in alternative compliance options, whereas Non-Priority Projects must incorporate all applicable source control BMPs and incorporate to the extent possible site design BMPs. LID BMPs do not need to be considered for Non-Priority Projects. To ensure that Priority Projects, which require the incorporation of LID BMPs, are identified as early in the planning process as possible, the Permittees will utilize a project category checklist to verify the identification of a project as a Priority Project or a Non-Priority Project (see the Local Implementation Plan, DAMP **Appendix A-7).**

All other ministerial permit projects not meeting the definition of a Priority Project or a qualifying Non-Priority Project are not subject the requirements of the New Development/Significant Redevelopment Program.

Private Development Project WQMP Submittal

All qualifying Priority Projects must submit for review and approval a Project WQMP as described is this section. However, Permittees are encouraged to require submission (for Private Development Projects) or preparation (for Public Agency Development Projects) of a Conceptual/Preliminary WQMP as early in the planning process as possible. This section describes both of these steps.

Conceptual/Preliminary WQMP

A Conceptual/Preliminary WQMP should be submitted as early in the planning process as possible to more effectively ensure that water quality protection, including LID principles, is considered in the earliest phases of a project. The level of detail in a conceptual/preliminary Project WQMP submitted during the land use entitlement or public project approval process will depend upon the level of detail known about the overall project design at the time initial project approval is sought. This will allow the developer and agency to consider site issues before the facilities are final designed.

The conceptual/preliminary Project WQMP should be prepared and submitted during the discretionary approval process (land use permit) of a proposed project, when the Permittee must exercise judgment or deliberation in order to approve or disapprove a development or significant redevelopment project.

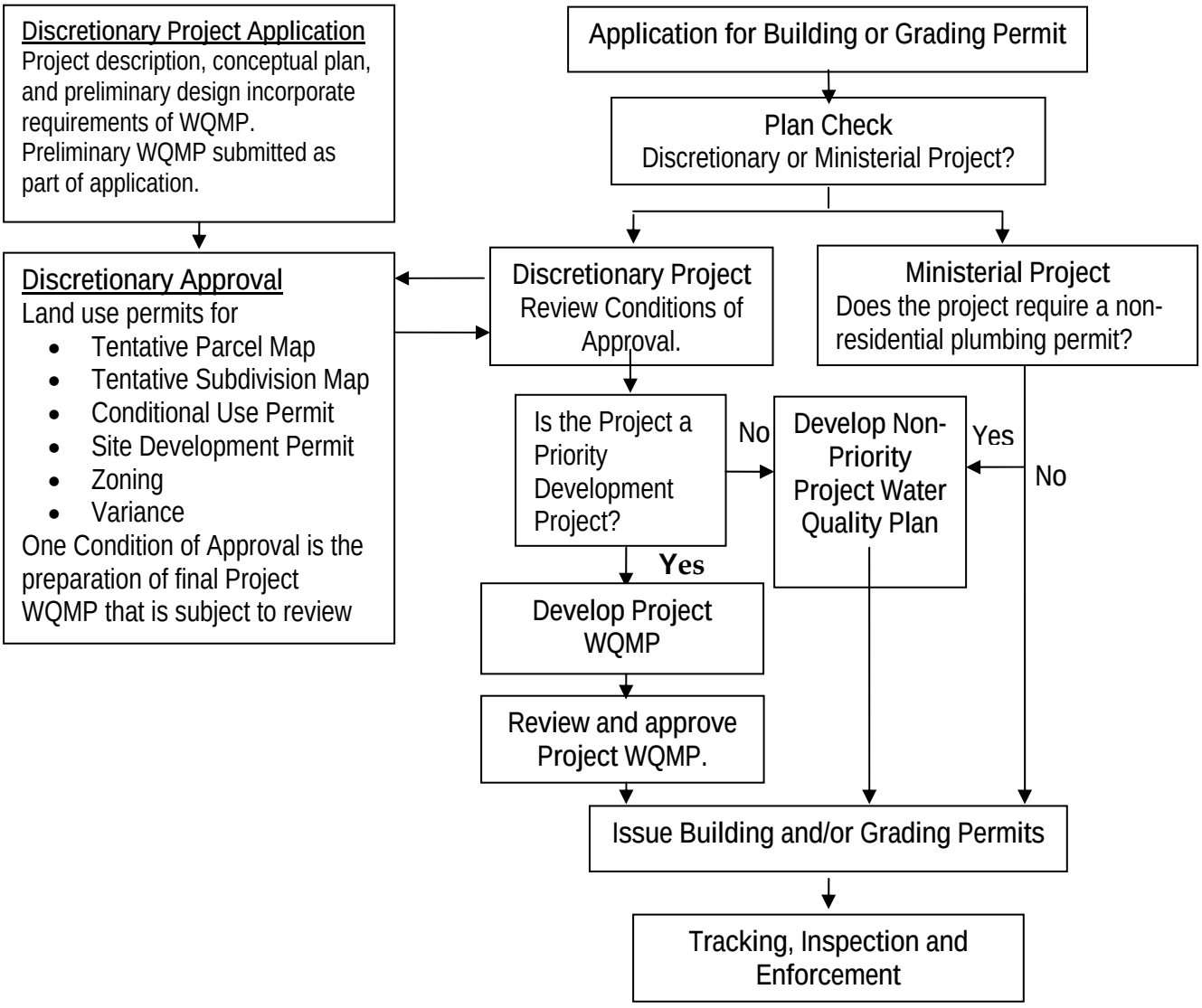
Project WQMP

Many projects will be subject to discretionary approval during the planning phase (land use entitlement) and ministerial approval for subsequent grading or building permits. For qualifying priority projects, WQMPs should be submitted initially as "preliminary or conceptual", during the discretionary approval process as noted above and submitted as "final" prior to approval of a grading or building permit. Whether the Project WQMP is submitted initially as a Conceptual/Preliminary WQMP during some phase of the planning process and subsequently updated and finalized, or only during the permit approval process, the final document is called the "Project WQMP". For projects subject to and consistent with regional or watershed programs, the project may rely upon the approved regional/watershed program document during the entitlement process, and may submit the Project WQMP documentation in the format approved by the relevant permittee prior to obtaining ministerial permits.

All priority projects must develop and submit a Project WQMP during the final design phase of the project. Project WQMPs must include all stormwater BMP commitments. The requirements for a Project WQMP are contained in **Exhibit 7.II,** Model WQMP. The level of detail and information that is provided in a Conceptual/Preliminary WQMP will depend upon the stage of planning and the size and complexity of the development project, but should be sufficient to ensure that LID principles are considered as early as possible. Furthermore, the Conceptual/Preliminary WQMP can be used as effective technical support to the CEQA analysis and documentation for the project. Non-Priority Projects are required under the Santa Ana Regional Board MS4 Permit (North Orange County Permit) to "document, via a WQMP or similar mechanism, site design, source control and any other BMPs which may or may not include treatment control BMPs". There is no similar requirement under the San Diego Regional Board MS4 Permit (South Orange County).

Figure 7-2 depicts the primary steps in the process of reviewing, approving, and permitting a private new development or significant redevelopment project.

Figure 7-2
Development Project Review, Approval and Permitting



Public Agency Project WQMP Submittal

The requirement for managing the quality and quantity of stormwater runoff from new development or significant redevelopment applies equally to private sector and public agency projects meeting the minimum requirements. In many public agencies the process for planning, design, approval, and oversight of public facilities differs from the process for private sector development projects. For example, typically private development projects are regulated through a process of a development plan approval (i.e., conditions of approval) and building or grading permit issuance with permit conditions.

Project WQMP

Public agency projects in comparison may undergo design review by the contracting agency of the municipality; may or may not be issued permits or similar administrative authorizations; and are then regulated through the enforcement of construction contract terms and approved plans and specifications. Recognizing the differences in the process, each Permittee will incorporate the requirement for a Project WQMP into the process of planning, design, approval, and oversight of their public agency projects or provide an equivalent approach. Typically, the Permittee's design/engineering department or the design architect/engineer contractor will prepare a Project WQMP for a public agency project.

Certain categories of public agency projects qualify under the permit for an alternative compliance approach. Streets, roads, highways and freeways of 5,000 square feet or more of paved surface shall incorporate United States Environmental Protection Agency (USEPA) guidance, "Managing Wet Weather with Green Infrastructure: Green Streets" in a manner consistent with the maximum extent practicable standard (see **Model WQMP 7.II–1.5**).

Individual Permittees may elect to develop a separate "Master Project WQMP" for streets, roads and highways projects based upon the requirements. A Master Project WQMP document would need to list all of the qualifying streets, roads and highways projects anticipated to be constructed or re-constructed within the Permittee's jurisdiction over a given time period and the proposed methods of compliance with this Model WQMP.

Other public agency projects, such as above ground linear lined drainage projects that may result in the "creation" of more than 10,000 square feet of impervious surface, or below ground linear drainage and utility construction projects that may result in the "replacement" of more than 5,000 square feet of impervious surface on a developed site (i.e., an existing street) do not have categorical conditions specified in either permit. In the case of the below ground utility projects such as storm drains, sewers, and water lines, it is assumed that these projects would be in a similar category as projects which maintain original line and grade at the surface and therefore would not qualify as a Priority Project. Consequently, these projects would not require the preparation of a Project WQMP but would require a Non-Priority Project Water Quality Plan. Due to the circumstances, projects done in response to an emergency may have their Non-Priority Project Water Quality Plan prepared after-the-fact, but within three business days of the project's completion. Projects involving extending, relocating, or replacing storm drain lines may involve replacing more than 5,000 square feet of impervious surface and maintain original line and grade at the surface. However below ground storm drain lines involving extending,

relocating, or replacing more than 5,000 square feet of impervious surface may alter the original line and grade or hydraulic capacity of storm drain facilities below ground and are considered Priority Projects that require a Project WQMP. In the case of above ground linear drainage infrastructure, the constraints for BMP implementation for these projects are similar to streets, roads, highways and freeways and therefore such projects must implement similar practices.

Project WQMPs will not be required for public agency projects consisting of routine maintenance or emergency construction activities required to protect public health and safety; interior remodeling with no outside exposure of construction materials or construction waste to stormwater; mechanical permit work; electrical permit work; sign permit work; and projects that maintain line and grade.

There are nine categories of Priority Projects. The categories are similar, but not identical for the NOC and SOC permit areas. Although public agencies typically do not plan and design some of these projects in some of categories per se, public agency projects may have similar functions or characteristics or may conduct similar activities after construction is completed. Therefore, some public agency projects are considered Priority Projects. For example, a corporation yard may include a vehicle and equipment maintenance facility, which is very similar to an automotive repair shop. Other examples are a civic center or library that is very similar in its characteristics to that of a commercial office building or a senior citizens center or jail that has cafeteria, which is very similar to a restaurant.

For any public agency projects that may be considered as qualifying Non-Priority Projects, the Permittees may decide on a project specific basis not to require a Non-Priority Project Water Quality Plan, but may elect instead to require that all routine structural Source Control BMPs applicable to the project features be identified and included in the project, and site design BMPs be considered where applicable. Project types include, but are not limited to:

- Parks and recreation facilities
- Public buildings
- Streets and roadways
- Above ground drainage facilities (e.g. channels and basins)

7.5.2 Conditions of Approval

The Permittees will review and revise their standard conditions of approval to ensure that the standard conditions are not in conflict with any provisions of the Santa Ana Region Permit or the San Diego Region Permit, the DAMP, the California State Water Resources Control Board (SWRCB) General Permit for Stormwater Discharges Associated with Construction Activity, the SWRCB General Permit for Stormwater Discharges Associated with Industrial Activity and adopted Total Maximum Daily Load allocations within their jurisdiction.

For example, a condition requiring "sweeping or washing public access points within 30 minutes of dirt deposition" should be revised to specify that "washing" must include capture and proper disposal of all wash water. A second example is that an older standard condition requiring the operator of a retail gasoline outlet or automotive vehicle repair facility to

demonstrate coverage under the General Permit for Stormwater Discharges Associated with Industrial Activity prior to issuance of a preliminary or precise grading permit should no longer be used. Retail gasoline outlets and automotive vehicle repair facilities are not required to comply with California's General Permit for Stormwater Discharges Associated with Industrial Activity.

To minimize the short-term and long-term impacts on receiving water quality from new development and significant redevelopment, Permittees will review and revise or supplement their standard conditions of approval that may be used for projects to include the following conditions or the equivalent, as determined appropriate:

General Conditions

- Prior to the issuance of any grading or building permits (*add grubbing, clearing, surface mining or paving permits as appropriate)* for projects that will result in soil disturbance of one or more acres of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing the Waste Discharge Identification (WDID) Number or other proof of filing issued by the State Water Resources Control Board. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for review on request.
- Prior to the issuance of any grading or building permits (add or prior to recordation upon subdivision of land if determined applicable), the applicant shall submit for review and approval a Project WQMP that:
    - Discusses sub-regional/regional watershed programs (if applicable),
    - Identifies selected LID and Hydromodification (as applicable) BMPs,
    - Identifies any applicable waivers, alternative programs, and Treatment Control BMPs,
    - Incorporates the applicable Source Control BMPs,
    - Describes long-term operation and maintenance requirements for BMPs,
    - Identifies the entity that will be responsible for long-term operation and maintenance of the BMPS, and
    - Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
    - Demonstrate that all LID and other structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications,

- Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP,
- Demonstrate that an adequate number of copies of the project's approved final Project WQMP are available for the future property occupants,
- Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs (optional if included in final Project WQMP).

The following table lists certain classes of projects and applicable conditions:

Project Type	Conditions
Projects Adjacent to Beaches and Receiving Waters	During the construction phase, the applicant shall comply with the following requirements: • All construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc., shall be properly covered, stored, and secured to prevent transport into coastal and receiving waters by wind, rain, tracking, tidal erosion or dispersion.
Projects Adjacent to Beaches	Grading and Drainage Plans shall be prepared with the following design objectives: • All surface runoff and subsurface drainage shall be directed to the nearest acceptable drainage facility, via sump pumps if necessary, as determined by the Building Official. • Onsite surface drainage and subdrain systems shall not discharge over the blufftop or hilltop. • All roof drains shall be required to connect into a tight-line drainage pipe or concrete swales that drain to the nearest acceptable drainage facility as determined by the Building Official. • Landscaping plans shall utilize only native, drought-tolerant landscape materials. • Irrigation system plans shall not include irrigation lines for the bluff-side of the parcel. All grading shall be accomplished and improvements made in accordance with the Grading Ordinance and to the satisfaction of the Building Official or designee. Grading shall be in substantial compliance with the approved grading plans. Surety to guarantee the completion of grading, erosion and sediment control measures shall be posted satisfactory to the Building Official.

Project Type	Conditions
Projects in Hilly Areas	Drainage facilities discharging onto adjacent property shall be designed to imitate the unconcentrated manner in which surface runoff is currently produced from the project site. Alternatively, the project applicant may obtain a drainage acceptance and maintenance agreement, suitable for recordation, from the owner of said adjacent property
Industrial Facilities	For industrial facilities subject to California's General Permit for Stormwater Discharges Associated with Industrial Activity as defined by Standard Industrial Classification (SIC) code, prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall demonstrate that coverage under the permit has been obtained by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing.

Special Conditions

- Prior to the issuance of any grading and building permits, the applicant shall include in the plans all BMPs identified in the approved final Project WQMP and any other urban runoff and stormwater pollution control measures deemed necessary by the city/county planning or community development director.
- Prior to issuance of certificates of use and occupancy or building permits for individual tenant improvements or construction permits for a tank or pipeline, uses shall be identified and, for specified uses, the applicant shall propose plans and measures for chemical management (including, but not limited to, storage, emergency response, employee training, spill contingencies and disposal). If the chemical management measures and facilities are located outside the building and potentially exposed to stormwater, the chemical management measures shall be incorporated as an element of a Project WQMP (if required by the project) and shall be subject to the approval of the city/county planning or community development director and other specified agencies such as the city fire department or Orange County Fire Authority, the Orange County Health Care Agency and sewering agencies (as appropriate) to ensure implementation of each agency's respective requirements. Certificates or permits may be ministerially withheld if features needed to properly manage chemicals cannot be incorporated into a previously completed building, center or complex.

7.5.3 Review and Approval of Priority Project WQMPs

Project WQMPs are required to be submitted as conceptual or preliminary during the discretionary or land use entitlement phase, with the level of detail to ensure the project design meets the LID permit requirements. A Conceptual or Preliminary WQMP supports the CEQA process and provides documentation to support a checklist for an Initial Study and Negative Declaration or Mitigated Negative Declaration, or serves as the basis for the water quality section of an EIR. The level of detail in a Conceptual/Preliminary Project WQMP can vary somewhat upon the level of detail known at the time discretionary project approval is sought,

but the minimum requirements listed in the Model WQMP must be satisfied. Permittees may request additional information and submittal before approving a Conceptual/Preliminary Project WQMP.

The review and approval of a Project WQMP is one of the last critical points at which a Permittee can impose conditions or standards that will minimize the impacts of urban runoff and stormwater pollution on local water resources. The Permittees may request additional information and submittal before approving a Project WQMP. Prior to issuance of grading or building permits, the project applicant must update and submit the completed Project WQMP for review and approval. The Model WQMP (**Exhibit 7.II**) is expected to be used as a guide for preparation of a Conceptual/Preliminary WQMP and/or a Project WQMP.

When reviewing Conceptual/Preliminary WQMPs and Project WQMPs submitted for approval, Permittees will assess the potential project impacts on receiving waters and ensure that the Project WQMP adequately identifies such impacts, including all pollutants and conditions of concern. The Permittees will examine all identified BMPs, as a whole, to ensure that they address the pollutants and conditions of concern identified within the Project WQMP. Additionally, Permittees will consider potential cumulative impacts of build-out within the watershed based upon available watershed chapters of the DAMP (**DAMP Appendix D**), information learned from any CEQA documentation regarding the project, Permittee knowledge of watershed-wide and jurisdictional problems and programs and compliance with the requirements of the Permits.

The Permittees recognize the importance of understanding the physical, chemical and biological conditions of the receiving waters at a watershed scale and the impact of incremental projects on these conditions and will continue to enlarge their understanding of receiving waters on a watershed scale through implementation of the watershed chapters of the DAMP. This information will assist in providing a strong linkage between the planning process and the development review and permitting process as required by the Permits. The Project WQMP is a project planning level document and as such is not expected to contain final BMP design drawings and details (these will be in the construction plans). However, the Project WQMP must identify and locate selected BMPs, provide design parameters including hydraulic sizing of treatment BMPs and contain sufficient BMP detail to ensure the BMPs are adequately sized. BMP fact sheets can be used in conjunction with project-specific design parameters and sizing to convey design intent. The Technical Guidance Document contains a number of BMP fact sheets that can be used for most LID BMPs. There are a number of resources listed in the Model WQMP for Site Design, Source Control, and Treatment Control BMPs that should be considered to guide the design and implementation of the BMPs. Fact sheets from one available reference, the California Stormwater Quality Association the California Stormwater Best Management Practice Handbook – New Development and Redevelopment, are provided in the Local Implementation Plan (**DAMP Appendix A-7**). The fact sheets contain detailed descriptions of each BMP, applications, advantages/disadvantages, design criteria, design procedure, and inspection and maintenance requirements.

The Project WQMP will be stored within Permittee files, and will continue with the property after the completion of the construction phase, and a Permittee may require that the terms, conditions and requirements be recorded with the County Recorder's office by the property

owner or any successive owner as authorized by the Water Quality Ordinance. In lieu of recordation, a Permittee may require the Project WQMP to include a Notice of Transfer Responsibility Form, which serves to notify the Permittee that a change in ownership has occurred and notify the new owner of its responsibility to continue implementing the Project WQMP.

7.5.4 Review and Approval of Non-Priority Project Water Quality Plans

The review and approval of a Non-Priority Project Water Quality Plan follows similar considerations as review of Project WQMPs. The Non-Priority Project Water Quality Plan is **Exhibit 7.V of the DAMP.**

7.5.5 Plan Check: Issuance of Grading or Building Permits

Once a project reaches the plan check phase, the applicant must have an approved Project WQMP for Priority Projects, or a Non-Priority Project Water Quality Plan for qualifying Non-Priority Projects, since the construction plans submitted by the applicant for plan check must incorporate all of the structural BMPs identified in the approved Project WQMP or Non-Priority Project Water Quality Plan. Therefore, the Permittees may encourage (but not necessarily require) applicants to obtain approval of the project's final Project WQMP or Non-Priority Project Water Quality Plan prior to submitting construction plans for plan check. However, building or grading permits for qualifying Priority or Non-Priority Projects will not be issued until the Project WQMP or Non-Priority Project Water Quality Plan has been submitted and approved.

Plan Check for Projects with Land Use Permits

For projects with land use permits, the environmental (CEQA) documentation (including the Mitigation Monitoring and Reporting Program), the conditions of approval, and the approved Project WQMP shall be reviewed for an understanding of the water quality issues and BMPs required. Construction plans shall be reviewed for conformity with the project's approved final Project WQMP. If the selected BMPs were approved through a Conceptual/Preliminary WQMP during the land use entitlement process, the applicant shall submit detailed construction plans showing locations and design details of all BMPs that are in substantial conformance with the preliminary approvals. The construction plans shall be reviewed to assure that the plans are consistent with the BMP design criteria and guidance provided in **Exhibit 7.II**.

Plan Check for Projects with By-Right Zoning (Ministerial Projects)

For qualifying projects with by-right zoning or projects that do not involve discretionary authority and review, applicants will typically submit a grading or building permit application consisting of a proposed Project WQMP or Non-Priority Project Water Quality Plan as applicable and construction plans that incorporate the BMPs included in the proposed Project WQMP or Non-Priority Project Water Quality Plan. The Permittee shall first review the proposed Project WQMP or Non-Priority Project Water Quality Plan for conformity with the requirements described in **Exhibit 7.II or Exhibit 7.V**. The approved Project WQMP or Non-Priority Project Water Quality Plan shall then be used in reviewing the construction plans for consistency with the BMP design criteria and guidance provided in **Exhibit 7.II or 7.IV**.

Design Review for Public Agency Projects

Prior to initiating grading or construction activities, Permittees shall ensure that the construction plans for public works projects reflect the structural BMPs described in the approved Project WQMP or the Non-Priority Project Water Quality Plan. The design review for public agency projects shall include a review of construction plans and specifications for conformity with the approved final Project WQMP and for consistency with the BMP design criteria and guidance provided in **Exhibit 7.II.**

Plan Check for Projects with Alternative Treatment Control BMPs (see Exhibit 7.II, Section 3.2)

An applicant may choose to incorporate into a Project WQMP and construction plans Treatment Control BMPs that are not included in the Treatment Control BMP Selection Matrix provided in the Model WQMP. If an applicant chooses to utilize Alternative Treatment Control BMPs, the Permittee shall require the project's engineer of record to certify the Alternative Treatment Control BMPs as being equally or more effective in pollutant reduction than comparable BMPs found in the Model WQMP and Technical Guidance Document.

7.5.6 Permit Closeout, Certificates of Use, and Certificates of Occupancy

The Project WQMP continues with the property after the completion of the construction phase and the Permittees may require that the terms, conditions and requirements be recorded with the County Recorder's office by the property owner or any successive owner as authorized by the Water Quality Ordinance. In lieu of recordation the Permittee may require the Project WQMP to include a Notice of Transfer Responsibility Form, which serves to notify the Permittee that a change in ownership has occurred and notify the new owner of its responsibility to continue implementing the Project WQMP.

The end of the construction phase therefore represents a transition from the New Development/Significant Redevelopment Program to the Existing Development Program (**DAMP Section 9**). Accompanying this is a close out of permits and issuance of certificates of use and occupancy. The Permittees will use this juncture to assure satisfactory completion of all requirements in the Project WQMP by requiring the applicant to:

- Demonstrate that all BMPs described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications,
- Demonstrate that a mechanism or agreement acceptable to the Permittee has been executed for the long-term funding and performance of BMP operation, maintenance, repair, and/or replacement as described in the O&M Plan included with the Project WQMP,
- Demonstrate that the applicant is prepared to implement all non-structural BMPs described in the Project WQMP,
- Demonstrate that an adequate number of copies of the Project WQMP are available onsite, and
- For industrial facilities subject to California's General Permit for Stormwater Discharges Associated with Industrial Activity, demonstrate that coverage has been obtained by

providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number.

Prior to occupancy of each priority development project, the Permittees will field verify that the LID BMPs and other BMPs have been implemented in accordance with the approved Project WQMP and, through visual observation, that the BMPs are operating and functional. The Permittees may accept self-certification or third-party certification of BMPs from State licensed professional engineers.

O& M Plan

An O&M Plan must be included within a Project WQMP for structural BMPs, and will be prepared by the applicant for private sector projects or by a Permittee's design/engineering department or the design architect/engineer contractor for public agency projects. An approved Project WQMP defines the permanent (post-construction) BMPs that will be implemented to provide long-term runoff management once the project is operational or occupied, and also describes the mechanism by which long-term operation and maintenance will be provided. A permanent BMP is not considered effective unless a mechanism is in place to provide for long-term reliability, which is achieved through proper operation and maintenance. Therefore, once construction of a new development or significant redevelopment project is complete, assurance is required for the long-term operation and maintenance of structural BMPs.

The O&M Plan that is prepared by the applicant for private sector projects shall include:

- Description of structural BMPs
- Designated responsible party to manage and maintain the stormwater BMP(s)
- Employee's training program and duties
- Inspection/maintenance frequency and routine service schedule
- Specific maintenance activities
- Required permits from resource agencies, if any
- Recordkeeping requirements (at least 5 years)

At a minimum, an annual inspection frequency will be established for all structural BMPs including inspection and performance of any required maintenance in the late summer/early fall, prior to the start of the rainy season.

The ownership, operation, and maintenance of structural BMPs may be the responsibility of a private entity or a public agency (for example, a Permittee) under various arrangements and with various funding sources. The responsibility to provide for the long-term operation and maintenance of structural BMPs associated with private development projects may:

- Remain with a private entity (property owner, home owners association, etc.); or
- Be transferred to a public entity (e.g., a city, county, special district, etc.) through dedication of the those portions of the property; or

- Be transferred to a public entity, or another private party through an agreement contract.

Following satisfactory inspection, the Permittee may accept structural BMPs within public right-of-ways, or on land dedicated to public ownership. Upon acceptance, responsibility for operation and maintenance would transfer from the developer or contractor to the appropriate Permittee department, including the funding mechanism identified in the approved final Project WQMP. If a public entity is named as the responsible maintenance entity, then the local jurisdiction must include that entity in its CEQA review process as a Responsible Agency where applicable. The local jurisdiction must be identified as a third party beneficiary empowered to enforce any such maintenance agreement within their respective jurisdictions. If a property owner or a private entity, such as a homeowners association (HOA), retains or assumes responsibility for operation and maintenance of structural BMPs, the Permittee shall require access for inspection through an agreement or other means. The HOA shall be required to maintain the BMPs in operating condition. If they do not meet the requirements of this DAMP (as stated in the model ordinance, Exhibit 4.I), the Permittee may make necessary repairs and collect the costs from the owner.

If the Permittee will be responsible for operating and maintaining structural BMPs on private property, an easement will be established to allow for entry and proper management of the BMPs. Such access easements shall be binding throughout the life of the project, or until the BMPs requiring access are acceptably replaced with a BMP not requiring access. Funding for the long-term operation and maintenance of structural BMPs will be front-funded or otherwise guaranteed via mechanisms such as approved assessment districts, or other funding mechanisms.

7.5.7 Public Agency Project Close Out

For public agency projects, upon completion of construction when contract close-out occurs, the responsibility for operation and maintenance of the structural BMPs will transfer from the contractor to the appropriate Permittee department and become part of the Municipal Activities Program (DAMP Section 5). The Permittee has the authority to approve the transfer of structural BMPs to any other public entity within its jurisdiction and shall negotiate satisfactory operation and maintenance standards with the public agencies accepting the operation and maintenance responsibilities. Alternatively, the responsibility for the operation and maintenance of structural BMPs may be transferred to a private entity through contracts or lease agreements. In any such transfer agreement, the Permittee shall be identified as a beneficiary empowered to enforce maintenance agreements.

7.6 Post Construction BMP Field Verification

Verification of the implementation, operation, and maintenance of structural BMPs for private new development projects and public agency projects is to be performed by each Permittee. Assessment of BMP effectiveness will take place during verification.

Each Permittee must develop and maintain a watershed-based database to track and inventory all approved post-construction BMPs and BMP maintenance within its jurisdiction. High priority BMPs must be identified based on BMP size, recommended maintenance frequency,

likelihood of operational and maintenance issues, location, receiving water quality, and other pertinent factors. NOC Permittees are required to include a list of all structural treatment control BMPs approved, constructed and/or operating within each Permittee's jurisdiction in their program's annual report.

Inspection frequencies for private priority projects vary for NOC and SOC Permittees, though all public agency structural treatment control BMPs are to be inspected annually prior to the rainy season. All inspections are to be documented and kept as Permittee record.

Permittees are to ensure that appropriate easements and ownership changes are properly recorded in public records with a mechanism to convey the information to all appropriate parties when there is a change in project or site ownership.

Conditions of approval are to be specified that require proper maintenance and operation of all structural treatment control BMPs installed in new developments, including requirements for vector control. The parties responsible for the long-term post occupancy maintenance and operation of the structural treatment control BMPs for the life of the project and a funding mechanism for that operation and maintenance shall be identified.

Specific post-construction verification requirements differ slightly between the NOC and SOC permits. Each Permittee should verify the requirements within their respective permits.

7.7 Model Program Training and Outreach

Education and training of municipal and/or other agency staff is one of the keys to a successful stormwater program. To assist the responsible municipal and private development staff in understanding the Model Program, several training modules are currently being developed and will be conducted by the Principal Permittee (**DAMP Appendix B-7**).

In addition to the Permittee sponsored training, the Permittees are also encouraged to attend training seminars or workshops related to stormwater management and water quality conducted by other organizations.

7.7.1 Training Modules

Three groups of training modules have been prepared that cover different aspects of the Model Program. These modules will be included in **DAMP Appendix B-7** when completed. The modules will include:

Introductory Modules

Introductory Modules will provide a high level overview of the elements of the updated program. These modules are intended to serve as prerequisite introductions prior to discussions of the processes within the program and will include:

1. Overall Program
2. Model WQMP
3. Technical Guidance Document

4. WQMP Template and Non-Priority Project Water Quality Plan

Process Overview Modules

Process Overview Modules will provide a moderate-level overview of the steps anticipated for common processes within the updated program structure. These modules are intended to orient trainees to the process and the resources that are available to assist/guide this process and will include:

1. Update of LIPs/JURMPs
2. Project WQMP Preparation and Review (Private Development)
3. Project WQMP Preparation and Review (Public and Green Streets Projects)

Technical Focus Modules

Technical Focus Modules will provide in-depth training on the important elements of the updated program that have changed most significantly and will include:

1. Level of Detail in Conceptual/Preliminary and Project WQMPs
2. Site and Watershed Assessment
3. BMP Selection and Prioritization
4. BMP Sizing and Hydrologic Analysis (Separate for NOC and SOC)
5. LID Feasibility Criteria
6. Regional BMPs, Watershed-based Plans, and Alternative Compliance Options
7. BMP Selection and Sizing Considerations for Public Projects

7.8 Annual Reporting and Assessment of Program Effectiveness

[Reserved.]

7.9 Definitions

For the purposes of the program, the following definitions are provided:

Hydromodification Control BMPs – practices that prevent alteration of natural flow characteristics and sediment supply.

Low Impact Development (LID) BMPs – practices that provide retention or biotreatment – these may include hydrologic source controls, retention, and biotreatment, and may be located either on-site or off-site.

New Development - means land disturbing activities; structural development, including construction or installation of a building or structure, the creation of impervious surfaces; and land subdivision.

Non-Priority Project - new development or significant redevelopment project that requires discretionary action and does not fall within the categories defined within **Section 7.II-1.3 of the Model WQMP**.

Pollution Prevention - any practice that reduces or eliminates the creation of pollutants.

Priority Project- a new development or redevelopment project meeting the thresholds described in **Section 7.II-1.3 of the Model WQMP**.

Routine Structural BMPs - are economical, practicable, small scale measures, which can be feasibly applied at the smallest unit of development. Routine structural BMPs may function either to minimize the introduction of pollutants into the drainage system or to remove pollutants from the drainage system and are intended to address drainage water quality impacts inherent in development, and need not be related to any identified water quality problem (i.e. filtration, efficient irrigation, landscape design, car wash racks, trash container areas, motor fuel concrete dispensing areas and canopies, catch basin stenciling, water quality inlets, etc.).

Significant Redevelopment – Per the North Orange County permit, significant redevelopment means development that would add or replace 5,000 or more square feet of impervious surface on an already developed site. Significant redevelopment includes, but is not limited to:

- Expansion of a building footprint;
- Addition of a building and/or structure;
- Addition of an impervious surface that is not part of a routine maintenance activity such as construction of a new parking lot; and
- Replacement/reconstruction of impervious surfaces, buildings and/or structures when 5,000 or more square feet of soil is exposed during replacement construction. Replacement does not include routine maintenance activities, trenching and resurfacing associated with utility work, resurfacing and reconfiguring the surface of parking lots (unless 5,000 or more square feet of impervious surface is added to the existing parking lot area or otherwise

entirely removed and replaced) or reconfiguration of pedestrian ramps and replacement of damaged pavement.

- Where the significant redevelopment results in an increase of less than 50% of the impervious surface of a previously existing development, the treatment requirements apply only to the addition, and not to the entire development. In this circumstance, Permittees are encouraged to explore with project proponents means by which treatment BMPs can be provided for the entire site (or a greater percentage of the site), consistent with the overall pollution reduction goals of the permits and DAMP.
- Where the significant redevelopment results in an increase of 50% or more of the impervious surface of a previously existing development, the treatment requirements apply to the entire development.

Per the South Orange County permit, significant redevelopment is projects that create, add, or replace at least 5,000 square feet of impervious surfaces on an already developed site and the existing development and/or redevelopment project falls under the project categories or locations listed as a Priority Development Project as in SOC permit Section F.1.d.(2).

Source Control BMPs - preventative measures intended to prevent the introduction of pollutants into stormwater.

Special Structural BMPs - are engineered facilities designed to address specific pollutant problems identified in the water quality planning process, runoff management plan, CEQA process, or similar watershed planning. However, it was not the intent of this program to restrict city or county planning commissions or their governing bodies from imposing additional stormwater management requirements as a condition of development (i.e. water quality ponds, dry/wet basins).

Treatment Control BMPs - a structure designed to treat pollutants in stormwater runoff and release the treated runoff to surface waters or a storm drain system , but is not a biotreatment BMP. Examples include sand filters and cartridge media filters.